S.B.CIVIL WRIT PETITION NO.895/2006

Mehar Chand
v.
Hindustan Petroleum Corporation Ltd. & Ors.

Date of Order :: 7th August, 2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. G.R.Punia, for the petitioner.
Mr. Arun Bhansali, for the respondents.

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The petitioner was ranked at top priority for appointment as a dealer for retail outlet of Hindustan Petroleum Corporation Ltd. at Chhoti Khatu in District Nagaur as a consequent to selection proceedings conducted in pursuant to the notification dated 22.7.2005, however, the General Manager, North Zone of the respondent Corporation cancelled the entire selection process as reveal from the communication dated 5.12.2005 sent to the petitioner with an assertion “that as per policy, the marks awarded by the interview committee is subject to review. In the review, it was revealed that you have been awarded 3 marks for experience, however, the certificate submitted by your of having worked at a Retail Outlet M/s Kisan Diesel Service is for only six months, hence, you should have been awarded only 2 marks for your business experience of Running your hotel M/s Radhey Shyam Hotel. The selection committee awarded the second empanelled candidate Shri Naresh only 4 marks under the parameter Liquid Assets,

however, he should have been awarded additional 10 marks considering the documents submitted by him. With this revision in marks in your case attributable to above reason your ranking in the merit panel also stands altered now and that since the marks awarded by the selection committee are not in line with the Dealer Selection Guidelines, the selection itself stands vitiated and therefore it has been decided to set aside the entire interview and selection to the above location, thereby calling for conduct of fresh interviews."

By this petition for writ, challenge is given to the decision of the respondents to cancel the process of selection on following counts:-

> (1)a wrong determination of marks was made in favour of respondent No.4 Naresh Kumar by taking into consideration false and forged document relating to his liquid assets;
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> (2)no adequate marks were given to the petitioner against experience gained by him in business; and
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> (3)no opportunity of hearing was given to the petitioner while changing his ranking by reducing marks and then while cancelling the process of selection.

In reply the stand of the respondents is that when the record of first three empanelled candidates

were sent to the General Manager of the North Zone, it was found on scrutiny that the petitioner should have been given two marks instead of three marks for experience and the respondent No.4 should have been given 14 marks instead of 4 marks for availability of finance and looking to these facts selection for appointment as dealer of retail outlet at Chhoti Khatu was cancelled and it was proposed to re-do the selection from amongst the same candidates who were originally called for to face the selection proceedings.

Heard counsel for the parties.

While substantiating the contentions, counsel for the petitioner has levelled various allegations regarding eligibility of respondent No.4. It is asserted that the affidavits submitted by him are forged and false. An emphasis is also given about wrong determination of marks granted to the petitioner. All these contentions are based on facts those cannot be examined, determined and settled in writ jurisdiction of this Court. The respondents in quite specific terms have stated in reply that the selection for appointment as dealer of retail outlet was cancelled and it was proposed to re-do the entire selection process by keeping it confined to the persons who were aspirants for getting dealership of retail outlet in earlier selection that stood

cancelled by General Manager, North Zone. The care of the contentions raised on behalf of the petitioner can very well be taken by the selection committee while examining candidature of all the aspirants afresh.

In these circumstances, while disposing of this petition for writ I consider it appropriate to direct the respondents that they may hold selection proceedings for the purpose of appointment of dealer for their retail outlet at Chhoti Khatu within a period of three months from today. While doing so, they will consider all the contentions raised by the petitioner in this petition for writ or by way of submission of additional representation. The marks referred in the communication Anx.6 dated 5.12.2005 relating to the petitioner as well as respondent No.4 Naresh Kumar shall not be treated final. The eligibility criteria for determination of merit of various candidates shall remain same as it was at the time of earlier selection proceedings that took place on 26.9.2005.

The writ petition is disposed of accordingly with no order to costs.

(GOVIND MATHUR),J.

Kkm/ps.